

Response

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REMARKS

This response amends the specification and Claims 1-14. No new matter has been added. Claims 1-14 are amended for purposes of clarity. Support for amending the specification can be found in, inter alia, Figures 5 and 6 of the current specification. Support for amending Claims 1, 10, and 14 can be found in Figure 5 or Figure 6 of the current specification. Upon amendment, the application will have twenty total claims, and three independent claims (claims 1, 10, and 14).

Rejection of Claims 1-20 under 35 U.S.C. § 102

The Examiner on page 2, item 2, of the Office Action, maintains the rejection of Claims 1-20 under 35 U.S.C. 102(b) as "being anticipated by Epshetsky, as set forth in the previous office action...." Applicant submits that amended Claims 1-20 are patentable over Epshetsky.

Amended Claim 1 claims a "device for the facilitated insertion of the male member into a condom, comprising: a hollow element for containing the condom...a bearing element located inside the hollow element for bearing a tip of the condom." (emphasis added)

Amended Claim 10 claims a "method for the facilitated insertion of the male member into a condom, comprising the steps of...providing a bearing plane for a tip of the condom before said step of creating a depression." (emphasis added)

Amended Claim 14 claims a "device for insertion of a male member into a condom, comprising...a support element located inside the hollow element for supporting a tip of the condom." (emphasis added)

On page 2, item 3 of the Office Action, the Examiner states "the phrase bearing element is so broad that even a wall that is telescopic can be interpreted to be a bearing element." For purposes of clarity, the Applicant amends Claims 1, 10, and 14 to recite the "tip" of the condom instead of the "base".

However, this amendment in no way affects the scope of Claim 1. Note that element 12, shown in Figure 5, for example, was called a "base" in the original specification. Both the specification and claims have been amended to use a more preferential word "tip". Regardless whether

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element 12 is called a "base" or a "tip", the prior art does not show or suggest the claimed features of a "bearing element...for bearing a tip of the condom" or a "bearing plane...for a tip of the condom".

Figures 5 and 6 and page 6, lines 9-25 of the current specification clearly show the base of the condom, identified by reference numeral 12, is the tip of the condom. The telescopic walls of Epshetsky, identified by the Examiner as "bearing element 66" do not bear or support the tip of the condom. Epshetsky fails to teach, hint, or suggest an "element...for bearing a tip of the condom" as recited by amended Claim 1, or an "element...for supporting a tip of the condom" as recited by amended Claim 14. Moreover, Epshetsky fails to teach, hint, or suggest any bearing planes for bearing the tip of the condom as claimed in amended Claim 10. The bearing plane of the current invention serves to squash the tip of the condom. There is no bearing plane taught or suggested by Epshetsky, which squashes the tip of the condom as taught by the current invention. Therefore, Claims 1, 10, and 14 are patentable over Epshetsky. In addition, claims dependent on Claims 1, 10, and 14, namely Claims 2-9, 11-13, and 15-20, are also patentable over Epshetsky due at least to their dependency on Claims 1, 10, and 14.

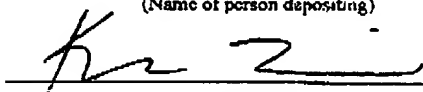
No new matter has been added. Applicant respectfully solicits allowance of this application at an early date.

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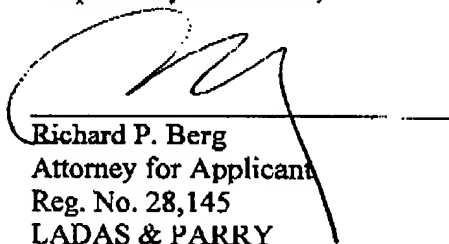
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The Commissioner is authorized to charge any additional fees, which may be required or credit overpayment to deposit account no. 12-0415. In particular, if this response is not timely filed, then the Commissioner is authorized to treat this response as including a petition to extend the time period pursuant to 37 CFR 1.136 (a) requesting an extension of time of the number of months necessary to make this response timely filed and the petition fee due in connection therewith may be charged to deposit account no. 12-0415.

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent & Trademark Office at fax number, (703) 872-9303, on,

June 28, 2002(Date of Deposit)Kevin Thigpen(Name of person depositing)(Signature)6/28/02(Date)

Respectfully submitted,

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Enclosures: Appendix A

Appendix B

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Appendix A:**Marked Version of Claims Showing Changes Made**

1. (Amended twice) A device for the facilitated insertion of the male member into a condom, comprising:
 - a hollow element for containing the condom, provided with an access aperture;
 - means for fastening a brim of the condom to the access aperture of the hollow element, in order to form an air chamber between external walls of the condom and internal walls of the hollow element; [and]
 - means, associated with said hollow element, for creating a depression inside said air chamber forcing adhesion of the condom to the internal walls of the hollow element and allowing the subsequent facilitated insertion of the male member, the hollow element being provided with mobile walls, said depression resulting from the increased volume of the hollow element[, the device being characterised in that it further comprises]; and
 - a bearing element located inside the hollow element for bearing a [base] tip of the condom.
2. (Amended twice) The device according to claim 1, [characterized in that] wherein said means for creating a depression comprises a suction duct provided with a non-return valve.
3. (Amended once) The device according to claim 1, [characterized in that] wherein said means for creating a depression comprises a suction duct with flexible walls, the duct being apt to be closed by throttling.
4. (Three times amended) The device according to claim 1, [characterized in that] wherein said mobile walls, are articulated in a telescopic relation therebetween.
5. (Three times amended) The device according to claim 1, [characterized in that] wherein the elevation of the bearing element inside the hollow element is adjustable.
6. (Three times amended) The device according to claim 1, [characterized in that it comprises] further comprising a means for avoiding contact between the external walls of the condom and the internal walls of the hollow element.

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7. (Amended once) The device according to claim 6, [characterized in that] wherein said means for avoiding contact are removable.

8. (Three times amended) The device according to claim 1, [characterized in that] wherein said means, for fastening a brim of the condom to the access aperture of the hollow element are integrally formed therewith.

9. (Amended once) The device according to claim 1, [characterized in that it comprises] further comprising a means for reestablishing, after said insertion, the internal pressure existing before the depression.

10. (Twice amended) A method for the facilitated insertion of the male member into a condom, comprising the steps of:

inserting the condom into a hollow element so as to form an air chamber between external walls of the condom and internal walls of the hollow element;
creating a depression in said air chamber, forcing adhesion of the condom to the internal walls of the hollow element, said depression being obtained by increasing the volume of the hollow element;
inserting the male member inside the internal area of the condom; [and]
removing the condom from the hollow element, in order for said condom to completely adhere to the male member[, characterised in that it further comprises the step of]; and
providing a bearing plane for a [base] tip of the condom before said step of creating a depression.

11. (Twice amended) The method according to claim 10, [characterized in that] wherein said depression is obtained by suction of the air contained inside said hollow element.

12. (Three times amended) The method according to claim 10, [characterized in that it furthermore comprises] further comprising a step for re-establishing after the removal of the condom from the hollow element, the internal pressure existing before the depression.

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13. (Once amended) The method according to claim 11, [characterized in that it furthermore comprises] further comprising a step for re-establishing, after the removal of the condom from the hollow element, the internal pressure existing before the depression.

14. (Amended Once) A device for insertion of a male member into a condom, comprising:
- a hollow element for containing the condom, the hollow element being provided with an access aperture;
 - a fastening ring for fastening a brim of the condom to the access aperture of the hollow element, thus forming an air chamber between external walls of the condom and internal walls of the hollow element;
 - a suction duct, associated with said hollow element, for creating a depression inside said air chamber forcing adhesion of the condom to the internal walls of the hollow element and allowing subsequent insertion of the male member, the hollow element being provided with mobile walls, the depression resulting from the increased volume of the hollow element; and
 - a support element located inside the hollow element for supporting a [base] tip of the condom.

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Figure 5 shows a partial perspective and exploded view of the device, having mobile walls 6, articulated in a telescopic relationship (represented in figure in a condition of maximum extension), together with a base element 7, having a diameter which is inferior to the minor of the diameters of the mobile walls 6. The base element comprises a hole 8 allowing air passages from the outside to the inside of the device and is internally connected to a screw 9, which is therefore placed internally to the hollow element 1. Also the screw 9 is hollow, in order to consent the air passage from the outside to the inside of the device and vice versa. The function of the screw 9 is that of allowing the screwing into it of a cylindrical element 10, the function thereof being that of providing a bearing plane 11 for the base 12, also referred to as the tip, of the condom 4, related to the receptacle region thereof.